

DECLARATION OF JEFF FISCHBACH IN SUPPORT OF PLAINTIFF'S MOTION FOR
LEAVE TO TAKE DISCOVERY PRIOR TO A RULE 26(f) CONFERENCE

I, Jeff M. Fischbach, do hereby state and declare as follows:

1. My name is Jeff M. Fischbach. I am over the age of 18 and I am otherwise competent to make this declaration.
2. This declaration is based on my personal knowledge and, if called upon to do so, I will testify that the facts stated herein are true and accurate.
3. I am founder and President of SecondWave Information Systems, a technology consulting firm specializing in information systems and technology integration based out of Chatsworth, California.
4. Since 1994, I have served as a technology advisor to numerous professional organizations and corporations.
5. I have been engaged as a litigation consultant and Forensic Examiner, offering expert advice and oversight on matters involving computers, information systems, satellite and communications technologies.
6. I have also advised law enforcement, foreign government representatives, judges, lawyers and the press.
7. I have investigated and testified in dozens of cases involving use of Peer-to-Peer file-sharing technology, including but not limited to BitTorrent protocols.
8. I was retained by Strike 3 Holdings, LLC ("Strike 3") to individually analyze and retain forensic evidence captured by IPP International U.G. ("IPP").
9. I received a PCAP from IPP containing information relating to the transaction occurring on 8/31/17 19:12 UTC, involving IP address 24.127.245.75.

10. I used a program called Wireshark to view the contents of the PCAP.

11. I was able to confirm that IPP recorded the transaction with IP address 24.127.245.75 at 8/31/17 19:12. The IP Address is owned by Comcast Cable.

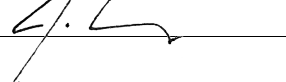
12. Based on my experience in similar cases, Defendant's ISP, Comcast Cable, is the only entity that can correlate the IP address to its subscriber and identify Defendant as the person assigned the IP address 24.127.245.75 during the time of the alleged infringement. Indeed, a subpoena to an ISP is consistently used by civil plaintiffs and law enforcement to identify a subscriber of an IP address.

DECLARATION

PURSUANT TO 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 4th day of October, 2017.

JEFF M. FISCHBACH

By:  _____